IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16044 of 2004

Between:
P.Shiv Kumar, S/o.Krishna Aiyer,
R/o.Salem, Tamilnadu District.

..... PETITIONER

AND

The Deputy Commercial Tax officer, Ponnur, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in proceedings to auction the confiscated goods by his proceedings in case No.1/2003-04, dated 26-8-2004 is illegal, arbitrary and without authority of law and set-aside the same and consequently direct the respondent not to proceed with the auction till the disposal of the second appeal pending before the sales Tax Appellate Tribunal filed by the petitioner.

Counsel for the Petitioner:MR.BHASKAR REDDY VEMIREDDY

Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

Heard learned counsel for the parties.

Ten days time is granted to the petitioner for furnishing bank guarantee for the entire value of the goods, subject to outcome of the appeal filed by the petitioner. On furnishing such bank guarantee, the goods shall be released to the petitioner.

Since the appeal is pending before the Sales Tax Appellate Tribunal, we feel that it will not serve any purpose to keep the writ petition pending, which is accordingly disposed of with the consent of learned Counsel for the parties. No order as to costs.

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(BILAL NAZKI, J)

23rd September, 2004.

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(S.ANANDA REDDY, J)

Note:Furnish C.C in four days
B/o
vrn

To

1 The Deputy Commercial Tax officer, Ponnur, Guntur District.
2 The Sales Tax Appellate Tribunal, Andhra Pradesh, Hyderabad.
3 Two C.Cs to the Government Pleader for Commercial Taxes, High COurt of A.P., Hyderabad (OUT)
4 Two C.D copies